

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESUS MANUEL FUNCIA a/k/a MANUEL J.
FUNCIA,

Plaintiff,

-against-

NEW YORK STOCK EXCHANGE NYSE
GROUP; JEROME LEVY; DAVID CAREY;
JEANNE MILLER; SECURITIES AND
EXCHANGE COMMISSION (SEC);
HARVEY GOLDSCHMIT; SUSAN
WYDERKA; AL PENSA; JIM CLARKSON;
ABN-AMNRO; ING; FURMAN SELZ;
MICHAEL PYTRCKI; DAVID DUFFY,

Defendants.

19-CV-10718 (LLS)

BAR ORDER UNDER
28 U.S.C. § 1651

LOUIS L. STANTON, United States District Judge:

Plaintiff filed this action *pro se*. On January 15, 2020, the Court dismissed the action for failure to state a claim upon which relief may be granted because his claims are barred by the doctrine of claim preclusion, noted that Plaintiff had filed two other cases in this Court against the same Defendants, and ordered Plaintiff to show cause within thirty days why he should not be barred from filing further actions *in forma pauperis* (IFP) in this Court without prior permission.

Plaintiff filed a declaration on February 19, 2020, stating:

The SEC has a direcliton [sic] of duty that amounts to constitutional violation of 14 Amendment. NO Equal Protection. Judge Levy had a blatant “Conflict of Interest.” I plead with Hon. Judge Stanton to take full control in the prosecution of this case at all & any level.

Justice must be served.

The FOIA should be used (19-02372-FOIA)
for any evidentiary [illegible] (19-00070-FOIA).

(ECF No. 5 at 1.)¹ Plaintiff also attaches to his declaration copies of an email exchange with the S.D.N.Y. Pro Se Legal Clinic. (*Id.* at 4-6.)

That material against imposing the bar order is insufficient to overcome the effect of two Judge's decisions dismissing his claims.

CONCLUSION

The Court bars Plaintiff from filing future civil actions IFP in this Court, regarding his relationship with the SEC, without first obtaining from the Court leave to file. *See* 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this Court. If Plaintiff violates this order and files such an action without filing a motion for leave to file, the Court will dismiss the action for failure to comply with this order.

The Clerk of Court is directed to close this action.

SO ORDERED.

Dated: March 2, 2020
New York, New York

Louis L. Stanton
Louis L. Stanton
U.S.D.J.

¹ Page numbers refer to those generated by the Court's electronic filing system.